

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NIPPON SHINYAKU CO., LTD.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 21-1015 (GBW)
	)	
SAREPTA THERAPEUTICS, INC.,	)	
	)	
Defendant.	)	
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SAREPTA THERAPEUTICS, INC. and THE	)	
UNIVERSITY OF WESTERN AUSTRALIA,	)	
	)	
Defendant/Counter-Plaintiffs,	)	
	)	
v.	)	
	)	
NIPPON SHINYAKU CO., LTD.	)	
and NS PHARMA, INC.	)	
	)	
Plaintiff/Counter-Defendants.	)	

**SAREPTA THERAPEUTICS, INC. AND THE UNIVERSITY OF WESTERN  
AUSTRALIA’S MOTION FOR SUMMARY JUDGMENT OF INFRINGEMENT OF  
U.S. PATENT NOS. 9,994,851 AND 10,227,590 (MOTION #1)<sup>1</sup>**

Pursuant to Federal Rule of Civil Procedure 56, Sarepta Therapeutics, Inc. (“Sarepta”) and the University of Western Australia (“UWA”) respectfully move for entry of summary judgment that Nippon Shinyaku Co., Ltd. and NS Pharma, Inc. infringe claims 1 and 2 of U.S. Patent No. 9,994,851 and claims 1 and 2 of U.S. Patent No. 10,227,590. The grounds for this Motion are set forth in the Opening Brief in support thereof, filed concurrently.

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<sup>1</sup> Pursuant to the Court’s Scheduling Order (D.I. 143, ¶13(d)), Sarepta and UWA rank this motion as the first of their three summary judgment motions.

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December 11, 2023

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NIPPON SHINYAKU CO., LTD.	)	
and NS PHARMA, INC.	)	
	)	
Plaintiff/Counter-Defendants.	)	

**[PROPOSED] ORDER GRANTING SAREPTA THERAPEUTICS, INC. AND THE  
UNIVERSITY OF WESTERN AUSTRALIA’S MOTION FOR SUMMARY  
JUDGMENT OF INFRINGEMENT OF  
U.S. PATENT NOS. 9,994,851 AND 10,227,590 (MOTION #1)**

Having considered Sarepta Therapeutics, Inc. (“Sarepta”) and the University of Western Australia (“UWA’s”) motion for summary judgment of infringement claims 1 and 2 of U.S. Patent No. 9,994,851 and claims 1 and 2 of U.S. Patent No. 10,227,590, and all related papers filed in connection therewith,

**IT IS HEREBY ORDERED** that Sarepta and UWA’s Motion is **GRANTED**: Nippon Shinyaku Co., Ltd. and NS Pharma, Inc. infringe claims 1 and 2 of U.S. Patent No. 9,994,851 and claims 1 and 2 of U.S. Patent No. 10,227,590.

**IT IS SO ORDERED**, this \_\_\_\_ day of \_\_\_\_\_, 2024.

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The Honorable Gregory B. Williams  
U.S. District Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on December 11, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on December 11, 2023, upon the following in the manner indicated:

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